

IRISH TRANSPORTATION RECORD OF MARY HANIFAN PER PHOEBE 1845
CRF-1844-H13 –FILM 54
LARCENY – STEALING A BASKET OF POTATOES - SENTENCED TO 7 YEARS TRANSPORTATION

[Stamped] CHIEF SECRETARY'S OFFICE DUBLIN [faded]

[?] Mt Joy Square
20th Ap^l 1844

Sir,

I have the honor to acknowledge the rec^t of your letter of the 19th Inst. accompanied by the Memorial of **Mary Hannifin** now a prisoner in Tralee Gaol under sentence of transportation requiring me to acquaint you with the particulars of the Case for his Excellency's information & whether in my opinion there are any mitigating circumstances which w[oul]d render the prisoner a proper object of mercy.

I have the honor to state, that the prisoner was convicted by the clearest testimony– and altho it w[oul]d seem at first sight a severe punishment to sentence a person to transportation for stealing a basket of potatoes, yet it is the usual practise with me to recommend the Magistrate to impose the extreme penalty of the Law, where the prisoner has been previously convicted of a similar offence as I saw nothing in the case of Memoralist that w[oul]d induce me to deviate from the usual course.

It appears from the Books of the Governor of the Gaol, that the prisoner has been tried with her husband ab[ou]t 4 yrs ago, for sheep st[ealin]g, upon that occasion she was convicted, and sentenced to transportation. The prisoner was then acquitted but was afterwards tried & convicted of a different larceny, and was sentenced to 12 months Imprisonment. I consider it but right of me to state this latter conviction as prisoner states in her Memorial that her husband was not transported. She did not at the Trial, or when sentence was passing deny the facts.

I have the honor to remain Sir

Your ob^t h^{bl} Ser^t

Wm McDermott

E. Lucas Eqr

&c. &c. &c.

W Connor [*crosswise*]

To his Excellency the Right Honourable Earl De Gray Lord Lieutenant of
Ireland &c. &c. &c.

The humble Petition of **Mary Hannifin** otherwise **Wallace** late of
Tonavane in the County of Kerry Married Woman but now a
Prisoner in the Gaol of Tralee

Most humbly sheweth unto your Excellency that your Petitioner and her sister **Eliza Wallace** were tried at the Quarter Sessions held at Tralee commencing the 2nd Instant and convicted of stealing a Basket of Potatoes the property of **Thomas Shea** and your Petitioner sentenced to transportation for the period of 7 years and said Eliza Wallace to be imprisoned for one month.

That it was represented to the Assistant Barrister after Petitioner was found guilty that Petitioner was before sentenced to imprisonment for sheep stealing and that your Petitioner's Husband was transported for a like offence.

That Petitioner admits she was found guilty on circumstantial evidence and sentenced to 12 months imprisonment on such charge of sheep stealing and for which Petitioner was confined for 12 months in Gaol although Petitioner was innocent of the alleged offence and although it is a notorious fact in the neighbourhood where Petitioner lived, that the sheep for stealing which Petitioner was found guilty and imprisoned was afterwards found some having only gone astray or wandered near the Mountains where it was feeding.

That it wasn't the fact that her Petitioner's Husband was sentenced to transportation or found guilty of sheep stealing or any other larceny.

That Petitioner was charged at the prosecution of said Shea and convicted on circumstantial evidence of stealing his Potatoes.

That the Potatoes which were found in the House of your Petitioner's Mother where Petitioner resided were the property of Petitioner's Brother William Wallace and that Petitioner brought same the evening before from a small Heap of Potatoes belonging to said William Wallace.

That Potatoes of the Prosecutor and said Wallace were of the same description and were of a bad and wet kind and Petitioner having taken a Basket of said Wallace's Potatoes as desired by him put some of them under Petitioner's Bed in order that they might become soaked and dry and thereby the better for use.

That it was admitted by the Prosecutor, (as the fact is), that it is a common practice for persons in the most humble class of life like your Petitioner to put such Potatoes of the kind under the Bed which is the driest part of your Petitioner's wretched Cabin like others of the Country.

That your Petitioner has two Infant Daughters one aged about five years and another about Three years.

That Petitioner believes the Assistant Barrister is a kind and humane man, but your Petitioner believes the erroneous statement made to him that Petitioner's Husband was transported had some influence on his mind in passing so severe a sentence on your Petitioner as Banishment from her wretched Home and from her innocent and helpless children.

That Petitioner and her Husband are wretchedly poor and [3 or 4 lines illegible black blots] and aged Mother of Petitioner and of her Husband.

That the Banishment of your Petitioner will bring utter ruin and destruction on Petitioner's wretched and helpless offspring.

That the Prosecutor and his wife regret the severe sentence passed on your Petitioner.

That your Petitioner most humbly beseeches your Excellency to take Petitioner's case into your humane consideration and commute the severe sentence passed on Petitioner, which if carried into effect will bring unbounded poverty and destruction on her aged and already wretched and destitute Mother and Husband, and on her innocent and helpless infants and your Petitioner shall never cease to pray for your Excellency as in humble duty bound.

Read by her
John Linehan Mary X Hannifin
mark

We have heard read the foregoing Petition, and hope his Excellency will grant the prayer of same, said Mary Hannifan was found guilty on circumstantial evidence, at our Prosecution.

read by his
Michael Foley Thomas X Shea
mark
her
Ellen X Shea
mark

Edw Connor 15 Ap/44 [crosswise]

[Stamped] CHIEF SECRETARY'S OFFICE DUBLIN 44 MAY [?]

To His Excellency the Right Honourable Earl De Grey Lord Lieutenant General & General Governor of Ireland &c. &c &c.

The Respectful Petition of **Mary Hannifin** otherwise **Wallace** late of Tonavane in the County of Kerry Married Woman now of Tralee Gaol – Humbly Sheweth –

That your Petitioner and her sister **Elizabeth Wallace** were at the last quarter sessions at Tralee convicted for stealing a Basket of Potatoes, the property of **Thomas Shea**, that your Petitioner was sentenced to Seven years Transportation and her sister to a month's imprisonment. That it was represented to the Court at the Trial that Petitioner has been formerly imprisoned for sheep stealing and her husband Transported for like offence, that Petitioner admits being found guilty on circumstantial evidence for sheep stealing and was Imprisoned for Twelve Months, although innocent of the crime, the sheep for which she was prosecuted and Imprisoned as having been found straying on a mountain thereafter that it is not fact that her husband was Transported and is since a resident of Tralee.

That Petitioner got some Potatoes from her Brother **William Wallace** quite fresh from a Pit which Potatoes were of quality and description like unto those of the Prosecutor's and for which Petitioner is now innocently suffering. That Petitioner is encumbered with a young helpless family, two females the oldest about five and the other about three years old with an aged debilitated and worn out Mother to support with no other means than her and her husband's labour. That your Petitioner ardently beseeches your Excellency will graciously take her case into your kindest consideration and not suffer her to be banished from her wretchedly distressed husband, his aged Mother and innocent babies, and your Petitioner as in duty shall ever pray.

Tralee Gaol) We the undersigned beg leave to recommend the above Petitioner's
May 10th 1844) Prayer to His Excellency the Lord Lieutenant's humane Mercy –

We the undersigned at whose prosecution)
the above Petitioner had been convicted)
felt honestly sorry for the person since and beg)
leave to so recommend her to His Excellency's)
Mercy

his
Thomas X Shea
mark
her

Ellen X Shea
mark

Edw Connor H13 [crosswise]

John Hussey
Charles Mason
[illegible]
Thomas Benner
[James] Eagar
Eusebius McG Plowman
Morto Hurly

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H 13 44

Mary Hannifin

23rd April 1844

The Law must take its course

Ap 24/ Chf

1844

Ass Bar ans^d 26 Ap^r

Gov^r of Gaol ans^d 29th –

Another Mem^l annexed 31 May

Confirmed

June 1 Chf

1844

Gaoler infor^d 1st June
